EXHIBIT 10

Version with confidentiality designations removed of Dkt. 1115-5

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 1                  UNITED STATES DISTRICT COURT
 2               NORTHERN DISTRICT OF CALIFORNIA
 3                      OAKLAND DIVISION
 4
 5    CHASOM BROWN, WILLIAM BYATT,   )
      JEREMY DAVIS, CHRISTOPHER      )
 6    CASTILLO, and MONIQUE          )
      TRUJILLO, individually and on )
 7    behalf of all similarly       )
      situated,                     )
 8                                   )
                      Plaintiffs,    )
 9                                   )
                          vs.        )Case
10                                   )4:20-cv-03664-YGR-SVK
      GOOGLE LLC,                    )
11                                   )
                      Defendant.     )
12    _____)
13
14
15
16              VIDEO-RECORDED DEPOSITION OF
17                     BLAKE LEMOINE
18              Thursday, December 21, 2023
19                       Volume I
20
21
22    Reported by:
      CARLA SOARES
23    CSR No. 5908
24    Job No. 6377402
25    Pages 1 - 232
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1   UNITED STATES DISTRICT COURT

2   NORTHERN DISTRICT OF CALIFORNIA

3   OAKLAND DIVISION

4

5   CHASOM BROWN, WILLIAM BYATT,)

     JEREMY DAVIS, CHRISTOPHER   )

6   CASTILLO, and MONIQUE   )

     TRUJILLO, individually and on)

7   behalf of all similarly   )

     situated,   )

8   )

                 Plaintiffs,   )

9   )

                     vs.   )Case

10   )4:20-cv-03664-YGR-SVK

     GOOGLE LLC,   )

11   )

                 Defendant.   )

12   _____)

13

14

15

16   VIDEO-RECORDED DEPOSITION OF BLAKE

17   LEMOINE, Volume I, taken on behalf of Defendant,

18   beginning at 9:34 a.m., and ending at 4:12 p.m., on

19   Thursday, December 21, 2023, before CARLA SOARES,

20   Certified Shorthand Reporter No. 5908.

21

22

23

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25

                                                   Page 2

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 1      APPEARANCES:
 2

 3      For the Plaintiffs:
 4           BOIES SCHILLER FLEXNER LLP
             BY:  JAMES LEE, Attorney at Law (via Zoom)
 5           100 SE 2nd Street, 28th Floor
             Miami, Florida 33131
 6           305.539.8400
             jlee@bsfllp.com
 7
 8           BOIES SCHILLER FLEXNER LLP
             BY:  MARK C. MAO, Attorney at Law
 9           BY:  JOSHUA M. STEIN, Attorney at Law
             44 Montgomery Street, 41st Floor
10           San Francisco, California 94104
             415.293.6800
11           mmao@bsfllp.com
             jstein@bsfllp.com
12
13           BOIES SCHILLER FLEXNER LLP
             M. LOGAN WRIGHT, Attorney at Law (via Zoom)
14           725 S. Figueroa Street, 31st Floor
             Los Angeles, California 90017
15           213.629.9040
             mwright@bsfllp.com
16
17           SUSMAN GODFREY
             BY:  RYAN SILA, Attorney at Law (via Zoom)
18           1301 6th Avenue, 32nd Floor
             New York, New York 10019
19           212.336.8330
             rsila@susmangodfrey.com
20
21           MORGAN & MORGAN
             BY:  RYAN J. McGEE, Attorney at Law (via Zoom)
22           201 N. Franklin Street, 7th Floor
             Tampa, Florida 33602
23           813.223.5505
             rmcgee@forthepeople.com
24
25
```

Page 3

1   APPEARANCES (Continued):

2

3   QUINN EMANUEL URQUHART & SULLIVAN LLP
          BY: ANDREW H. SCHAPIRO, Attorney at Law

4   191 N. Wacker Drive, Suite 2700
          Chicago, Illinois 60606

5   312.705.7400
          andrewschapiro@quinnemnauel.com

6

7   QUINN EMANUEL URQUHART & SULLIVAN LLP
          BY: YUSEF AL-JARANI, Attorney at Law

8   865 S. Figueroa Street, 10th Floor
          Los Angeles, California 90017

9   213.443.3000
          yusefaljarani@quinnemanuel.com

10

11

12   ALSO PRESENT: Reilly Leet, Video Operator

13

14   --o0o--

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16

17

18

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 5            dated 4-25-22, Bates GOOG-BRWN-00859496
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 2     NUMBER                DESCRIPTION              PAGE
 3    Exhibit 18                                      120
 4             Email to tdelano@google.com and
 5             lemoine@google.com from
 6             tdelano@google.com, dated 5-24-22,
 7             Bates GOOG-BRWN-00859826 - 9834
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19              Fairness Pre-Mortem,"
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24              conversation between LaMDA and Blake
25              Lemoine, Bates GOOG-BRWN-00859541 - 9550
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1   REFERENCED EXHIBITS

2   (None.)

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4

5   INSTRUCTIONS NOT TO ANSWER

6   PAGE   LINE

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 1                    San Francisco, California

 2                  Thursday, December 21, 2023

 3                        9:34 a.m.

 4

 5                    P R O C E E D I N G S

 6            THE VIDEO OPERATOR:  Good morning.  We are

 7     going on the record at 9:34 a.m. on December 21st,

 8     2023.

 9            Please note that the microphones are

10     sensitive and may pick up whispering and private        09:34:16

11     conversations.  Please mute your phones at this

12     time.  Audio- and video-recording will continue to

13     take place unless all parties agree to go off the

14     record.

15            This is Media Unit 1 of the video-recorded       09:34:27

16     deposition of Blake Lemoine, taken by counsel for

17     defendant, in the matter of Chasom Brown, et al.,

18     versus Google LLC, filed in the United States

19     District Court, Northern District of California,

20     Oakland Division, Case No. 4:20-cv-03664-YGR-SVK.       09:34:46

21            The location of the deposition is

22     44 Montgomery Street, 41st Floor, San Francisco,

23     California 94104.

24            My name is Reilly Leet, representing

25     Veritext Legal Solutions, and I'm the videographer.     09:35:13
```

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1	The court reporter is Carla Soares from the firm	09:35:16
2	Veritext Legal Solutions.	
3	I am not related to any party in this	
4	action, nor am I financially interested in the	
5	outcome.	09:35:25
6	Counsel and all present, including	
7	remotely, will now state their appearances and	
8	affiliations for the record, beginning with the	
9	noticing attorney.	
10	MR. SCHAPIRO: I'm Andrew Schapiro, from	09:35:34
11	the law firm Quinn Emanuel, for Google. With me is	
12	my colleague Yusef Al- --	
13	MR. AL-JARANI: -Jarani.	
14	MR. SCHAPIRO: -- -Jarani.	
15	MR. LEE: Good morning. James Lee, Boies	09:35:44
16	Schiller Flexner, for the plaintiffs. With me is	
17	Josh Stein and Mark Mao, also from Boies Schiller.	
18	We also have Logan Wright, Ryan Sila, and Ryan McGee	
19	for the plaintiffs.	
20	THE VIDEO OPERATOR: Thank you.	09:36:19
21	Will the court reporter please swear in	
22	the witness, and then counsel may proceed.	
23	BLAKE LEMOINE,	
24	having been administered an oath, was examined and	
25	testified as follows:	09:36:23

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1   The -- this is a well-known -- this is   14:53:00

2   actually a well-known property of machine learning

3   system called "transfer learning." And it happens

4   to have negative consequences in the privacy space.

5   But usually it's a strength of these systems.   14:53:17

6   Q   If Google were to say that it never

7   reidentifies people and devices when they are in

8   private browsing mode, would that be true or false?

9   A   That would be false.

10   Q   Could Google's AI also join a person's   14:53:31

11   incognito or private browsing history with their

12   normal Chrome account?

13   A   Given a sufficiently powerful AI, yes.

14   And again, the kinds of AI being used in 2018 were

15   such models, but I do not know what the current   14:53:51

16   implementation is.

17   Q   And how would Google's AI do that?

18   A   So it will build a representation of kinds

19   of users. That is the general way in which these

20   user modeling systems work, is they create   14:54:08

21   conceptual categories of similar users who have

22   similar behavior patterns.

23   The identifier which unifies a single

24   person's behavior is usually the GAIA ID. But in

25   the case of non-personal logs, it will be something   14:54:26

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1   like the Zwieback ID or something else which is a   14:54:28

2   hash of other things. And that's the attempt to

3   anonymize it as well as removing certain kinds of

4   data.

5   However, since these AI are inherently, by   14:54:39

6   design, trying to identify groups of users, in the

7   Zwieback logs, even though an individual user's ID

8   changes every day, the AI just discovers a group of

9   users across multiple days who happen to behave the

10   same way.   14:55:07

11   And then it learns that category of users

12   that, in the implementation, seems to the AI as if

13   it's 100 different people on 100 different days.

14   The specific numbers of days is going to depend on

15   the current implementation of the wipeout window.   14:55:24

16   But then it's like, "A-ha. I have this

17   category of these type of people."

18   And when you actually boil it down, that

19   actual group of people is just Julie. It's just

20   Julie.   14:55:39

21   Q   And are you confident that Google's AI

22   actually does join a person's incognito or private

23   browsing history with their normal Chrome account?

24   A   For some people, sometimes yes,

25   definitely.   14:55:57

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1   Q   If Google were to say that it never joins   14:55:58

2   anyone's incognito or private browsing history with

3   their normal Chrome account, would that be true or

4   false?

5   A   That would be false. They never do it   14:56:06

6   intentionally, to my knowledge, but they do it every

7   day.

8   MR. LEE: Can we mark the next exhibit? I

9   believe it's Exhibit 25. It will be Tab 7.

10   (Exhibit 25 was marked for identification   14:56:28

11   and is attached hereto.)

12   THE WITNESS: Is this the third copy of

13   this, now?

14   BY MR. LEE:

15   Q   Have we already looked at it before?   14:57:04

16   A   I don't know. I don't remember.

17   Q   I don't either.

18   A   Yes, there are two other copies of this.

19   But this is No. 25.

20   MR. LEE: And, Logan, you don't need to   14:57:16

21   share screen since everyone has the physical.

22   MR. WRIGHT: Got it. It's introduced.

23   MR. LEE: Thanks.

24   Q   All right. Is this the report that you

25   prepared based, in part, on the experiments that   14:57:28

1	with Bishop Umbers, in the Archdiocese of Sydney, on	15:23:15
2	the topic of artificial intelligence and the	
3	Catholic church and how those two intersect.	
4	And recently, the Pope published his	
5	New Year sermon on artificial intelligence and	15:23:28
6	peace. And it was heavily influenced by the topic	
7	that we've been discussing for that year.	
8	Q Whether people agree with you or not, do	
9	your beliefs about how society should regulate or	
10	protect AI as a philosophical or legal matter have	15:23:50
11	anything to do with your knowledge and understanding	
12	of how Google's AI uses private browsing data	
13	without users' knowledge or permission?	
14	A No. The two are completely disconnected.	
15	One is a simple technical explanation of what	15:24:06
16	happens with what probability, and then the other	
17	is, "These are my opinions as a human."	
18	Q Google's lawyer spent some time today	
19	discussing the reason you were fired from Google;	
20	and specifically, the basis that was discussed was	15:24:33
21	the leaking of information about LaMDA.	
22	Do you remember that?	
23	A Yes, I do.	
24	Q Can you explain why you were willing to go	
25	public with your concerns about Google's development	15:24:47

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 1      of LaMDA even if that meant that you could get          15:24:51

 2      fired?

 3           A    Primarily because this technology is going

 4      to change the entire world.  Not just the lives of

 5      the people who make it and use it, but everyday         15:25:00

 6      people just going about their lives.

 7               And Google wanted to ensure that they got

 8      the kinds of regulations they wanted for the

 9      technology before allowing the public to know that

10      it existed.                                             15:25:17

11           Q    Now, whether anybody agrees or disagrees

12      with your decision to go public about Google's

13      development of LaMDA, did that decision have -- did

14      you getting fired or you sharing information to the

15      public about LaMDA in any way impact your knowledge    15:25:36

16      and understanding of how Google's AI uses private

17      browsing data without users' knowledge or

18      permission?

19           A    I mean, I no longer have access to

20      Google's code, so I have less information.  But I      15:25:52

21      think in the sense that you meant the question, the

22      answer is no.

23           Q    Let's just be very direct.

24               Does Google's AI, algorithms, or machine

25      learning use private browsing data?                    15:26:09
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1	A Yes.	15:26:11
2	Q Does Google's AI, algorithms, or machine	
3	learning reidentify users when they're in private	
4	browsing mode?	
5	A Yes.	15:26:17
6	Q Does Google's AI, algorithms, or machine	
7	learning join a user's private browsing histories	
8	with their normal Chrome account on the aggregate	
9	level?	
10	A Yes.	15:26:28
11	Q To your knowledge, has Google ever	
12	disclosed any of this to the public?	
13	A They have not.	
14	Q Mr. Lemoine, do users actually have a	
15	choice to keep any of their private browsing from	15:26:38
16	Google?	
17	A A sentence that I heard frequently is,	
18	"Look, their real choice is they can use our product	
19	or they can go and be Amish."	
20	Q By that, do you mean -- well, strike that.	15:26:52
21	Is Google's position that if you don't	
22	want Google to collect your information, the only	
23	way to do that is to not use the internet?	
24	A I think the easiest way to answer that is	
25	to point out an anecdote that gets repeated every	15:27:12

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1   time these discussions happen at Google.   15:27:16

2   And that's a person -- someone's

3   grandma -- it's always someone's grandma -- trying

4   to use Google Maps navigation with "Location

5   Tracking" turned off.   15:27:29

6   And there's these bug reports of people

7   who turn off "Location Tracking" who still expect

8   directions to work. And these people who do not

9   understand Google's privacy settings or the way that

10   they impact actual behavior in the app are actively   15:27:44

11   mocked.

12   Things like, "Well, these are the idiots

13   that we're having to design these policies for, so

14   what does it even matter? They obviously don't know

15   how the apps actually work. So let's just give them   15:27:57

16   what they actually want and ignore what they are

17   asking for with respect to privacy."

18   To give another example, there will be

19   people who have location sharing turned off who will

20   search for "pizza parlors near me." And in those   15:28:12

21   instances, Google will attempt to connect their

22   device back to their location in order to serve them

23   search results related to "pizza parlors near me."

24   In general, Google believes that its users

25   are incompetent to make decisions related to privacy   15:28:33

                                                        Page 204

1   I, the undersigned, a Certified Shorthand

2   Reporter of the State of California, do hereby

3   certify:

4   That the foregoing proceedings were taken

5   before me at the time and place herein set forth;

6   that any witnesses in the foregoing proceedings,

7   prior to testifying, were administered an oath; that

8   a record of the proceedings was made by me using

9   machine shorthand which was thereafter transcribed

10   under my direction; that the foregoing transcript is

11   a true record of the testimony given.

12   Further, that if the foregoing pertains to

13   the original transcript of a deposition in a Federal

14   Case, before completion of the proceedings, review

15   of the transcript [ ] was [X] was not requested.

16   I further certify I am neither financially

17   interested in the action nor a relative or employee

18   of any attorney or any party to this action.

19   IN WITNESS WHEREOF, I have this date

20   subscribed my name.

21   Dated: DECEMBER 22, 2023

22

23

24   *Carla Soares*

                       CARLA SOARES

25   CSR No. 5908

Page 229

```
 1    ANDREW H. SHAPIRO, ESQ.

 2    andrewschapiro@quinnemnauel.com

 3                                    DECEMBER 22, 2023

 4    RE: BROWN V. GOOGLE LLC

 5    6377402, BLAKE LEMOINE, JOB NO. 6377402

 6    The above-referenced transcript has been

 7    completed by Veritext Legal Solutions and

 8    review of the transcript is being handled as follows:

 9    __ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext

10       to schedule a time to review the original transcript at

11        a Veritext office.

12    __ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF

13       Transcript - The witness should review the transcript and

14       make any necessary corrections on the errata pages included

15       below, notating the page and line number of the corrections.

16       The witness should then sign and date the errata and penalty

17       of perjury pages and return the completed pages to all

18       appearing counsel within the period of time determined at

19       the deposition or provided by the Code of Civil Procedure.

20    __ Waiving the CA Code of Civil Procedure per Stipulation of

21       Counsel - Original transcript to be released for signature

22       as determined at the deposition.

23    __ Signature Waived - Reading & Signature was waived at the

24       time of the deposition.

25
```

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the

foregoing transcript is a true, correct and complete

transcript of the colloquies, questions and answers

as submitted by the court reporter. Veritext Legal

Solutions further represents that the attached

exhibits, if any, are true, correct and complete

documents as submitted by the court reporter and/or

attorneys in relation to this deposition and that

the documents were processed in accordance with

our litigation support and production standards.

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Act (HIPAA), as amended with respect to protected

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amended, with respect to Personally Identifiable

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fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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